



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

September 5, 2006

Dinesh P. Sheth
Radiation Safety Officer
Indo American Engineering, Inc.
P.O. Box 1813
Rock Springs, Wyoming 82902-1813

**SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-35704/2006-001 AND
NOTICE OF VIOLATION**

Dear Mr. Sheth:

Thank you for your letter dated August 08, 2006, which was received on August 16, 2006, in response to our letter and Notice of Violation dated June 28, 2006. We have reviewed your letter and find that your responses did not include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved as asked for in the Notice of Violation.

For Violation A, your response to item (2) above was adequate. However, you need to provide responses to items (1), (3) and (4) for Violation A. For Violation B, your corrective actions were to submit leak test reports to the NRC. Violation B involved the failure to make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in 10 CFR 20.1301. Your response is not appropriate for Violation B. Consequently, you need to provide responses to items (1), (2), (3) and (4) for Violation B. For Violation C, your corrective actions were to perform radiation level measurements annually and keep proper records for NRC review. Although these actions are good practices, they are not appropriate corrective actions to address Violation C. Violation C involved the failure to periodically (at least annually) review the radiation protection program content and implementation. Therefore, you need to provide responses to items (1), (2), (3) and (4) for Violation C. For Violation D, your corrective actions were to provide proper documentation in the transport vehicle and provide proper training to all employees who use licensed material. Again, these actions are good practices; however, they are not appropriate corrective actions for Violation D. Violation D involved the failure to provide training for hazmat employees which satisfy the requirements in Subpart H to 49 CFR Part 172. Therefore, you need to provide responses to items (1), (2), (3) and (4) for Violation D.

You are required to respond to this letter within 15 days of receipt and provide specific responses to the items identified above. An excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," was enclosed in our June 28, 2006 letter which you should use for

your response. The NRC will use your response to this letter, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Should you have any questions concerning this letter, please contact Anthony D. Gaines at (817) 860-8252 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Vivian H. Campbell, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-35704
License No.: 49-27701-01

cc : Wyoming Radiation Control Program Director

bcc (via ADAMS distrib):

LDWert

CLCain

VHCampbell

JEWhitten

ADGaines

KEGardin

NMIB

RIV Materials Docket File (5th floor)

SUNSI Review Completed: ADG ADAMS: X Yes ☐ No Initials: ADG

X Publicly Available ☐ Non-Publicly Available ☐ Sensitive X Non-Sensitive

DOCUMENT NAME: s:\dnms!\nmib\ADG\Indo Response Letter.wpd final r:_dnms

| | | |
|---------------|------------|--|
| RIV:DNMS:NMIB | C:NMIB | |
| ADGaines | VHCampbell | |
| /RA/ | /RA/ | |
| 09/05 /06 | 09/05/06 | |

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax